

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1628 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 8-1-2-128 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 1999]: **Sec. 128. (a) As used in this section,**
- 6 **"third party telecommunications provider" means a person that**
- 7 **provides telecommunications services to a customer that are billed**
- 8 **to the customer through another telecommunications provider.**
- 9 **(b) A person may not provide telecommunications services as**
- 10 **a third party telecommunications provider if the commission has**
- 11 **not issued the person a certificate of public convenience and**
- 12 **necessity to provide those services.**
- 13 **(c) A person who holds a certificate of public convenience and**
- 14 **necessity or a certificate of territorial authority to provide**
- 15 **telecommunications services is not required to obtain a certificate**
- 16 **of public convenience and necessity under this section to provide**
- 17 **those telecommunications services as a third party**
- 18 **telecommunications provider.**
- 19 **(d) The commission may adopt rules under IC 4-22-2 to**
- 20 **implement this section.**
- 21 **SECTION 2. IC 8-1-29-4.5 IS ADDED TO THE INDIANA CODE**
- 22 **AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
- 23 **1, 1999]: **Sec. 4.5. As used in this chapter, "third party****
- 24 **telecommunications provider" has the meaning set forth in**

1 **IC 8-1-2-128.**

2 SECTION 3. IC 8-1-29-5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. A customer of a
4 telecommunications provider may not be:

5 (1) switched to another telecommunications provider unless the
6 customer authorizes the switch; ~~or~~

7 (2) billed for services by a telecommunications provider that
8 without the customer's authorization added the services to the
9 customer's service order; ~~or~~

10 **(3) billed for services provided by a third party**
11 **telecommunications provider if the third party**
12 **telecommunications provider has not been issued a**
13 **certificate of public convenience and necessity required by**
14 **IC 8-1-2-128.**

15 SECTION 4. IC 8-1-29-6 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. The commission
17 shall adopt rules under IC 4-22-2 designed to ensure that a customer of
18 a telecommunications provider is not:

19 (1) switched to another telecommunications provider without the
20 customer's authorization; ~~or~~

21 (2) billed for additional services by a telecommunications
22 provider that without the customer's authorization added the
23 services to the customer's service order; ~~or~~

24 **(3) billed for services provided by a third party**
25 **telecommunications provider if the third party**
26 **telecommunications provider has not been issued a**
27 **certificate of public convenience and necessity required by**
28 **IC 8-1-2-128.**

29 The rules adopted under this section must be consistent with rules
30 adopted by the Federal Communications Commission concerning
31 verification procedures for the switching of a customer's
32 telecommunications provider.

33 SECTION 5. IC 8-1-29-7 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. A complaint may be
35 filed with the commission by:

36 (1) a customer of a telecommunications provider who has been:

37 (A) switched by one (1) telecommunications provider to
38 another telecommunications provider without the
39 customer's authorization; ~~or~~

40 (B) billed for services by a telecommunications provider
41 that without the customer's authorization added the services
42 to the customer's service order; ~~or~~

43 **(C) billed for services provided by a third party**
44 **telecommunications provider if the third party**
45 **telecommunications provider has not been issued a**
46 **certificate of public convenience and necessity required**

- 1 **by IC 8-1-2-128.**
- 2 (2) a telecommunications provider that has been removed as a
- 3 customer's telecommunications provider without the customer's
- 4 authorization; or
- 5 (3) the commission on its own motion.
- 6 A hearing held on a complaint filed under this section must be
- 7 consistent with IC 8-1-1-8."
- 8 Page 1, line 3, after "7.5." insert "(a)".
- 9 Page 1, line 7, delete "fine" and insert "**civil penalty**".
- 10 Page 1, after line 8, begin a new paragraph and insert:
- 11 **"(b) If after notice and hearing, the commission finds that a**
- 12 **third party telecommunications provider has provided**
- 13 **telecommunications services without having a certificate of public**
- 14 **convenience and necessity required by IC 8-1-2-128, the**
- 15 **commission may impose on the third party telecommunications**
- 16 **provider a civil penalty of not more than two thousand five**
- 17 **hundred dollars (\$2,500) for each offense in addition to any other**
- 18 **penalties the commission may impose under IC 8-1-2."**
- 19 Renumber all SECTIONS consecutively.
- (Reference is to HB 1628 as printed February 26, 1999.)

Representative Behning